## IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF:

OKPALA, Joseph MAIL STOP AMENDMENT

Serial No.: 10/582,473

Filed: July 3, 2006

FOR: A METHOD OF ENGINEERING PARTICLES FOR USE IN THE DELIVERY OF

DRUGS VIA INHALATION

## SUBMISSION OF INFORMATION DISCLOSURE STATEMENT

U.S. Patent and Trademark Office Customer Service Window, Mail Stop Amendment Randolph Building 401 Dulany Street Alexandria, VA 22314

Sir:

Under the provisions of 37 C.F.R. 1.97, it is requested that the reference listed on the attached Information Disclosure Statement be independently considered and acknowledged by the Patent Examiner in connection with the above-identified application, and be made of record therein. The references were cited in the enclosed search reports from the European Patent Office and Great Britain Patent Office.

GB 2248400 is cited in the European search report as an equivalent of US 5,724,959; and EP 0995457 is cited as an equivalent of US 6,182,655 and US D469,527.

Copies of the non-patent literature documents are provided.

The Commissioner is authorized to charge Deposit Account No. 04-0753 for any fees due and owing in connection with the filing of this paper.

Respectfully submitted,

Malcolm J. MacDonald

Reg. No. 40,250

DENNISON, SCHULTZ & MACDONALD ALEXANDRIA, VIRGINIA 22314-2700 1727 KING STREET LAW OFFICES

Date: February 6, 2007

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PTO/SB/08A (09-06) Approved for use through 03/31/2007. OMB 0651-0031 U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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## INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Coi	mplete if Known
Application Number	10/582,473
Filing Date	July 3, 2006
First Named Inventor	OKPALA, Joseph
Art Unit	<del>404</del> 5
Examiner Name	J. H. Alstrum-Acevedo
Attamous Dooket Number	06078

			U. S. PATEN	T DOCUMENTS		
Examiner Initials*	Cite No. <sup>1</sup>	Document Number  Number-Kind Code <sup>2 (f known)</sup>	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	
J.H.A.A	./1	<sup>US-</sup> 5,304,125	04-19-1994	LEITH et al.		
J.H.A.A	_/ 2	<sup>US-</sup> 5,724,959	03-10-1998	JACKSON et al.		
J.H.A.A		<sup>US-</sup> 6,182,655	02-06-2001	KELLER et al.		
J.H.A.A		<sup>US-</sup> D469,527	01-28-2003	KELLER et al.		
J.H.A.A	/ 5	<sup>US-</sup> 6,571,793	06-03-2003	NILSSON		
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	FOREIGN PATENT DOCUMENTS							
	Cite No.1	Foreign Patent Document  Country Code <sup>3</sup> "Number <sup>4</sup> "Kind Code <sup>5</sup> (if known)	Publication Date	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear			
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Examiner Signature	/James Alstrum Acevedo/	Date Considered	03/28/2010	

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at <a href="https://www.uspto.gov">www.uspto.gov</a> or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Complete if Known

Substitute for form 1449/PTO		Complete if Known			
Substitute for form 1449/PTO				Application Number	10/582,473
INFO	ORMATION	DIS	CLOSURE	Filing Date	July 3, 2006
STA	STATEMENT BY APPLICANT		First Named Inventor	OKPALA, Joseph	
				Art Unit	<del>^^</del>
(Use as many sheets as necessary)		Examiner Name	J. H. Alstrum-Acevedo		
Sheet	2	of	2	Attorney Docket Number	06078

NON PATENT LITERATURE DOCUMENTS					
Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>		
/J.H.A.A.	6	WALDREP et al., "Operating Characteristics of 18 Different Continuous-Flow", Chest, Vol. 105(1), 1994, pages 106-110.			
/J.H.A.A./	7	BURNELL et al., "Design, "Validation and Initial Testing of the Electronic Lung (R) Device", J. Aerosol Sci., Vol. 29(8), 1998, pages 1011-1025.			
J.H.A.A./	8	MILLER et al., "Assessment of Twin Impinger for Size Measurement", Parm. Res., Vol. 9(9), 1992, pages 1123-1127.			
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Examiner Signature /James Alstrum Acevedo/ Date Considered 03/28/2010	
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<sup>\*</sup>EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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